

PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY, JULY 14 19 87

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE
COUNCIL CHAMBERS Tuesday EVENING July 14 A.D., 19 87,
IN Regular SESSION. PRESIDENT Mark E. GiaQuinta
IN THE CHAIR, COUNCIL ATTORNEY Stanley A. Levine, AND
Sandra E. Kennedy CLERK, AT THE DESK, PRESENT THE FOLLOWING
MEMBERS VIZ:

BRADBURY P, BURNS P, EISBART P,
GiaQUINTA P, HENRY , REDD P,
SCHMIDT P, STIER P, TALARICO P,

ABSENT: /

COUNCILMAN: , , ,

THE INVOCATION WAS GIVEN BY

THE MINUTES OF THE LAST REGULAR June 23, 1987, 19 ,

, 19 ,

SPECIAL , 19 ,

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION, APPROVED
AND PUBLISHED.

THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 14th day of July, 1987, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances, and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this _____ day of _____, 19____,

SANDRA E. KENNEDY, CITY CLERK



The City of Fort Wayne

LAND USE MANAGEMENT

Division of Community Development & Planning

18 June 1987

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-87-02-24

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
18th day of June 1987.

Robert Hutner
Secretary

Division of Community Development & Planning

FACT SHEET

BILL NUMBER

BRIEF TITLE

Zoning Ordinance Amendment

APPROVAL DEADLINE

REASON

From R-1 to B-3-B

DETAILS

Specific Location and/or Address

1500 Block of Coliseum Blvd., North

Reason for Project

Future development of a restaurant.

Discussion (Including relationship to other Council actions)

February 23, 1987 - Public Hearing

Chen-nan Chen, petitioner and property owner stated that if the property were to be rezoned he intended to construct a Chinese restaurant.

Edith Kenna questioned why the staff had requested that this request be deferred.

Wayne O'Brien, Planner with CD&P stated that Tom Jehl the other petitioner had met with staff prior to the hearing to look at an overall proposal in the area. He stated that in view of that and the fact that Mr. Jehl was unable to attend the meeting staff was suggesting to the Commission a deferral until Mr. Jehl can get some other properties to join in the petition and have a better overall designed plan.

Mr. Chen stated that although Mr. Jehl has included some of his property in the petition he was not associated with Mr. Jehl.

Edith Kenna questioned if a B3B was needed

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/ Proponents

Applicant(s)

Chen-nan Chen / Tom Jehl

City Department

Other

Opponents

Groups or Individuals

James Ackmann
Richard Reddeman
Basis of Opposition

-decrease property values
-restaurant would cause a debris problem in area

Staff Recommendation

☒ For ☐ Against

Reason Against

Board or Commission Recommendation

By

☒ For ☐ Against
☐ No Action Taken

☒ For with revisions to condition
(See Details column for condition)

Perfect to B-1-B.

CITY COUNCIL ACTIONS (For Council use only)

☐ Pass ☐ Other

☐ Pass (as amended) ☐ Hold

☐ Council Sub. ☐ Do not pass

DETAILS

for a restaurant.

Mr. O'Brien stated it was not a B-1 District would suffice.

Mr. Chen stated a B-1 would be okay but he preferred a B-3-B because a B-1 does not allow for a drive through.

Edith Kenna questioned the need for a B3B zoning after hearing Mr. Chen's explanation of his business (which does not have a drive through service) and advised Mr. Chen to speak with staff regarding the necessary zoning.

Steve Smith questioned if Mr. Chen would be agreeable to a deferral.

Mr. Chen stated he would prefer that they took action on his request due to the time constraints he is under in order to build.

Baron Biedenweg questioned what Mr. Jehl's intentions were.

Wayne O'Brien stated that the project that Mr. Jehl spoke about with staff would take in approximately 3½ to 4 blocks from Lake Avenue to the north and connect the petition from last month down towards Lake to the existing offices located to the north. He is looking at the east and west sides of Inwood in that area.

James Ackmann, 1636 Inwood Drive, submitted a letter to the Commission with the concerns of the neighborhood. He stated that they have slowly been taken over by business zoning

Project Start

Date 1/5/87

Projected Completion or Occupancy

Date 6-24-87

Fact Sheet Prepared by

Date 6-24-87

Patricia Biancaniello

Reviewed by

Date

Reference or Case Number

6/24/87

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

in the area. He stated the area in question is a woods and works as a buffer between the residences and the highway. He stated that if the property is rezoned they will probably lose the wooded buffer, and there is a possibility of using Inwood Drive as a rear access. He stated that the prospect of looking out of their homes at a restaurant's trash is not pleasant. He stated they already have a problem with the Elegant Farmer, as well as a problem with rats in the area due to the trash. He stated that if the Commission does approve the rezoning they would request the Commission does not allow access on Inwood Drive and if it is granted on Inwood Drive that Mr. Chen, applicant, be assessed for the improvements to the street. He stated they would also request that there be some type of buffering between the residences and the highway.

Richard Reddeman, 1706 Inwood Drive, stated he was a member of the Concordia Lutheran congregation and submitted to the Commission a petition in opposition to the rezoning request with some 294 signatures of the members of the congregation. Mr. Reddeman stated they are fearful that any retail will have an increased traffic flow. He stated they are also fearful of the trash and mess created by a restaurant.

In rebuttal, Mr. Chen stated he would keep a very clean and orderly restaurant. He stated that his business depends upon the aesthetic quality of his building and he would not jeopardize his business.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

Bill No. Z-87-02-24 - Continued

March 2, 1987 - Business Meeting

Motion was made to Perfect the request to a B-1-B and conditionally approve.

Of the 8 members present 7 voted in favor of the recommendation one (1) did not vote. Motion carried.

At the March 23, 1987 Business Meeting this rezoning was brought back to the Commission for a reconsideration of conditions. At that time the Commission voted for the amended conditions. Those conditions are attached. The conditions stated have been satisfied by the petitioner.

Amendment to Conditions on Bill # Z-87-02-24

After meeting with representatives of both the Inwood Drive area, and the petitioner, a compromise solution have evolved, which will benefit both parties without undue constraints. We therefore recommend to the Plan Commission, that they amend their "Conditional Approval", to the following:

Perfect to include the area from the Nevada Ave. right-of-way, south, to B-1-B, and Conditionally Approve, contingent upon the petitioner satisfying the following:

1) A restrictive covenant should be entered into with the adjacent property owners, in a form acceptable to the Commissions attorney, that provides for:

a) A 6 foot high wooden fence to be placed 15 feet from the Inwood Drive. property line, from the south lot line of lot 80, to extend along the area of development, up to and at the Nevada Ave. property line. Said fence to comply with the traffic sight restrictions. Fence to be approved by the C.D. & P. Landscape Architect, and must be installed prior to issuance of the occupancy permit;

b) To provide a visual screen above the 6 foot fence, a landscape area between the fence and the property line must be planted, using the existing trees if desired, and must be approved by the C.D. & P. Landscape Architect. The landscape screen must be installed prior to the issuance of the occupancy permit;

c) The area along Inwood Drive to be fenced and landscaped, should be extended south, upto lot 158, as future development takes place. All future fence and landscape plans must be approved by the C.D. & P. Landscape Architect;

d) The petitioner/property owner must agree to perpetually maintain the fence, and the landscape area, to the satisfaction of the residential property owners, on Inwood Drive;

e) No access shall be granted to/from Inwood Drive and/or Coliseum Blvd.;

f) Should the land use on lots 75 through 79 and 163 through 167 in Delta Heights Subdivision change to non-residential, the above conditions a) through e) are subject to change by mutual agreement between the affected parties.

g) Covenant should provide for injunctive relief, and attorney fees in connection with any action pursuant to violation.

Amendment / Continued

2) Access to the subject property to be permitted only from Nevada Avenue and the location of this access shall be approved by the City Traffic Engineering Department. No access to the subject property shall be granted from Inwood Drive as long as the land use on lots 75 through 79, and 163 through 167 in Delta Heights Suidivision is residential. No access to subject property shall be granted to Coliseum Blvd.

3) A 40 foot wide public access easement for a frontage road must be granted to allow access for uses on lots south of lots 80 and 141 to Nevada Ave. This easement may be vacated by the city when access to Inwood Drive from these lots is permitted.

4) The petitioner is to construct and maintain the frontage road to applicable city standards, when directed to do so by the City of Fort Wayne.

5) Petitioner is to provide a recorded document, in a form acceptable to the Commissions attorney, agreeing to items 3 and 4 above, and:

a) Any driveways shall be subject to review and closure ,by the owner, at the discretion of the Traffic Engineering Dept.;

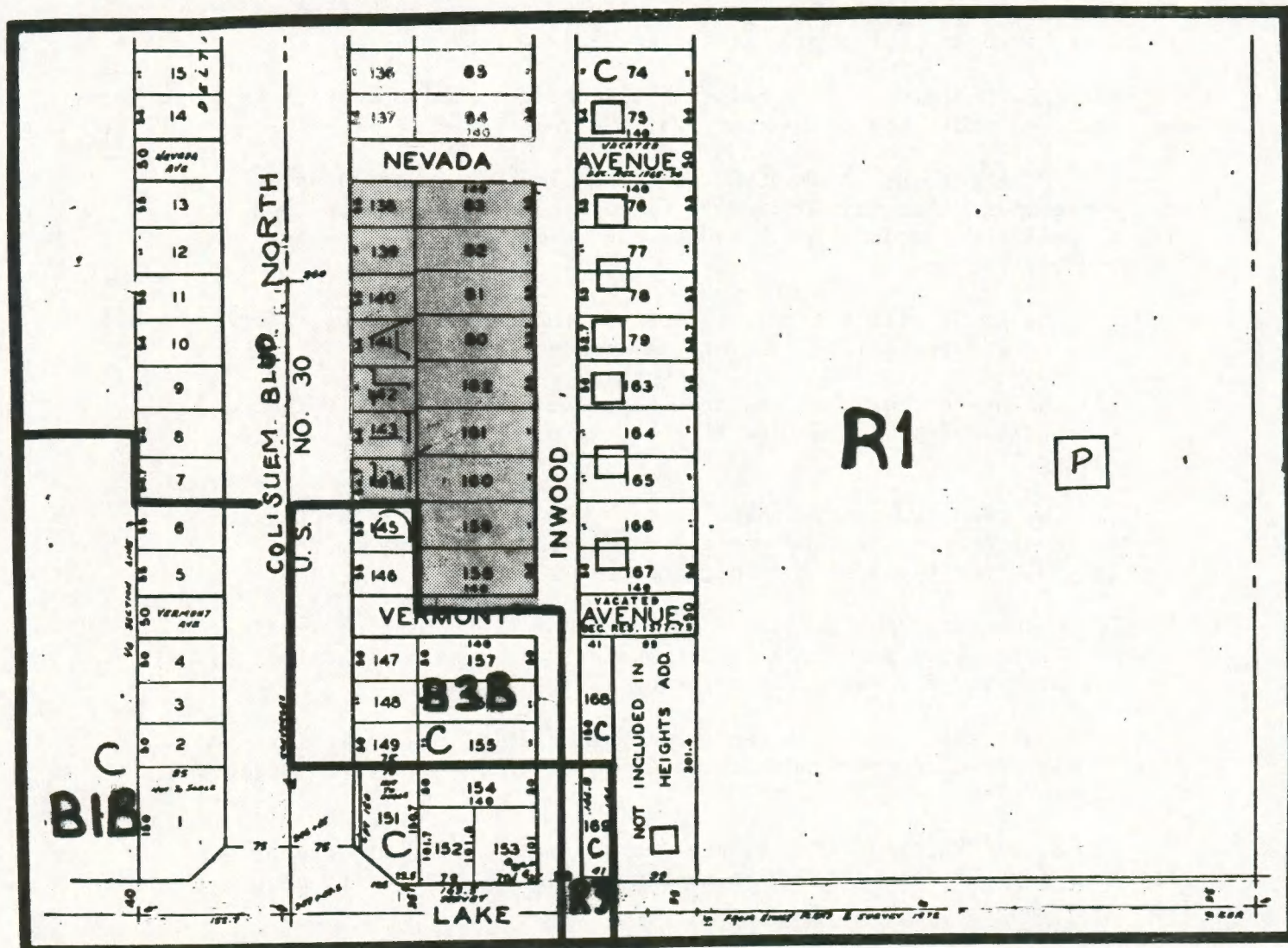
b) Any obstructions to the frontage road shall be removed at the owners expense.

REZONING PETITION #276

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN R1 DISTRICT TO A B3B DISTRICT.

MAP NO. S-14

COUNCILMANIC DISTRICT NO. 2



ZONING:

R1 RESIDENTIAL DISTRICT
R3 RESIDENTIAL DISTRICT
B1B LIMITED BUSINESS 'B'

LAND USE:

☐ SINGLE FAMILY
☒ COMMERCIAL
☐ PUBLIC - CHURCH

AS AMENDED

SCALE: 1"=135

20

DATE: 1-29-87

LW



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on February 24, 1987 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-02-24; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on February 23, 1987.

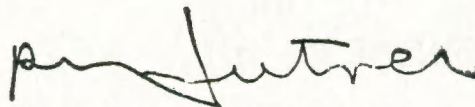
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held March 2, 1987.

Certified and signed this
18th day of June 1987.



Robert Hutner
Secretary

Change of Zone # 248

Chen-nan Chen, Mei-tswan Chen, and Thomas Jehl request a change of zone from R-1 to B-3-B.

Location: 1500 Block of Coliseum Blvd.

Legal Desc.: See File

Land Area: Approximately 3.25 Acres

Surroundings:	North	R1/B1B	Commercial
	South	B-3-B	Commercial
	East	R-1	Residential
	West	R1/B1B	Residential/commercial

Reason for Request: Future development (restaurant)

Neighborhood Assoc.: None

Neighborhood Planning: No Comment

Comprehensive Plan: The General Land Use Policies of the Comprehensive Plan state that rezoning and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed. The Goal in the Middle Ring, where this request is located, is to maintain investments and prevent deterioration in existing neighborhoods.

Planning Staff Discussion:

This area has been of some concern to the planning staff in recent months, as interest in development and rezoning has increased. As the Comprehensive Plan indicates that the area is acceptable for commercial development, we have concerns regarding the protection of the residential uses located in the immediate area.

Commercial usage along the Coliseum Blvd. corridor would be compatible with the contents of the Comprehensive Plan, but could have adverse impact on the residential developments located adjacent to this corridor. The requested designation (B-3-B) is a general business designation that permits some rather intense commercial uses. Currently there are both B-3-B and B-1-B classifications in the area, with the predominate classification being R-1.

Change of Zone # 248
1500 Block Coliseum Blvd.

In order to provide for continued commercial growth along the Coliseum corridor, and to provide for preservation of residential uses, we have devised a possible compromise that could benefit all concerned.

We suggest that the petition be perfected to a less intense commercial designation, and that the land area also be modified to provide residential protection.

A B-1-B designation would allow for over 100 commercial uses, and would not create the impact that some of the B-3-B uses could. As Coliseum Blvd. is a limited access roadway, the potential developments in this area should apparently be of a lower intensity nature. Additionally, due to the volume of traffic carried by Coliseum Blvd., we recommend that consideration be given to requiring access locations and impact on adjacent commercial developments should be considered, as well as conflicts with existing traffic movements on Coliseum Blvd.

Preservation of the established residential uses could be aided through the use of buffering techniques, and due to the existing foliage, little additional landscaping would be required.

Initially the staff considered deferral of this request, as additional plans are being contemplated for this area by other developers, and would indicate the applicability of a comprehensive evaluation of the area.

It appears to us now that all the applicants in this area wish to be treated separately and therefore we would not like to defer this application any further, as we had suggested in our initial analysis.



The City of Fort Wayne

LAND USE MANAGEMENT

Division of Community Development & Planning

25 June 1987

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-87-04-09

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
25th day of June 1987.

Robert Hutner
Secretary

An Equal Opportunity Employer

One Main Street, Fort Wayne, Indiana 46802

Division of Community Development & Planning

BRIEF TITLE

Zoning Ordinance Amendment

APPROVAL DEADLINE

REASON

From M-1 to IA

DETAILS

Specific Location and/or Address

1609 West Washington Center Road

Reason for Project

To allow for future construction of
a restaurant.

Discussion (Including relationship to other Council actions)

20 April 1987 - Public Hearing

Jim Federhoff, attorney representing the petitioners stated that they are requesting the rezoning with the intention of constructing a Cracker Barrel Restaurant. He stated that he would like to discuss the staff recommendations, specifically the two primary objections stated in the recommendation. The first is that there was no development plan submitted with the rezoning request and also that this rezoning appears to be, in the words of staff, "an attempt to bypass the Sign Ordinance". He stated that as far as the absence of a development plan, it is costly to go to the process of having a plan drawn up by an engineer or architect, it seems to make more sense for a developer to be permitted to seek a rezoning and once that rezoning is approved by Council to then have the engineering work performed, rather than going through all of that expense then have the rezoning rejected. He stated that he also questions the legality in the ordinance of requiring that a development plan be submitted and approved as a condition of a rezoning. He

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/
Proponents

Applicant(s)

Marathon Oil / Cracker Barrel
Old Country Store Inc
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff
Recommendation
☒ For ☐ Against

Reason Against

Board or
Commission
Recommendation

By

☒ For ☐ Against

☐ No Action Taken

☐ For with revisions to condition
(See Details column for condition)

CITY COUNCIL
ACTIONS
(For Council
use only)

☐ Pass ☐ Other

☐ Pass (as
amended) ☐ Hold

☐ Council Sub. ☐ Do not pass

DETAILS

stated that with regard to the suggestion that the Sign Ordinance is being circumvented. He stated that this was submitted to the Board of Zoning Appeals to allow for a height variance for the sign on this property. He stated that he understood that the Board was primarily concerned with the concept of a variance being taken from the Sign Ordinance. He stated from his information he did not believe that the members of the Board had any real objection to the actual signage proposed. He stated the staff was in favor of the proposed variance and there was no opposition to the request. He stated that what they are opposing on this property is basically a downzoning from an M-1 to an IA Symbol. He stated further that the requested downzoning came after a meeting with staff at their suggestion following the BZA denial.

The Real Estate Manager for Cracker Barrel stated that their establishments are restaurants and gift stores that trade with primarily the Interstate traveller. He stated they have located this particular site due to the visibility from the Interstate. He stated they requested a 65 foot high sign out along SR #3 that would provide them with good visibility from the Interstate and from the north and south. He stated that it is hard to see anything but traffic on the Interstate with the exception of the high rise signs, which tend to be approximately 85 feet high. He stated they do not want a sign that high but one 65 foot high. He stated they were informed that the sign allowed in an M-1 would be a maximum

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

height of 35 feet and would stand it behind the stop lights.

Steve Smith suggested that the developer work with the staff and perhaps the developer might want to defer for 30 days to give them time to submit a development plan, which was one of the reasons that the staff gave an unfavorable recommendation for this request.

Ken Tipton, General Manager of the Carlton Lodge stated that they (Carlton) would encourage the Commission to react favorably to the request.

There was no one present who wished to speak in favor of or in opposition to the proposed rezoning.

22 June 1987 - Business Meeting

At the April 27, 1987 business meeting the Plan Commission deferred action on the request until the petitioner submitted drawings and documentation meeting the requirements of the ordinance.

Project Start

Date 3-19-87

Projected Completion or Occupancy

Date 6-25-87

Fact Sheet Prepared by

Date 6-25-87

Patricia Biancaniello

Reviewed by

Date

Gay Butler
Reference or Case Number

6/24/87

The petitioner submitted said drawings and documentation and the development plan was heard at the June 15, 1987 public hearing

At the June 22, 1987 business meeting motion was made to return the ordinance to the Common Council with a DO PASS recommendation.

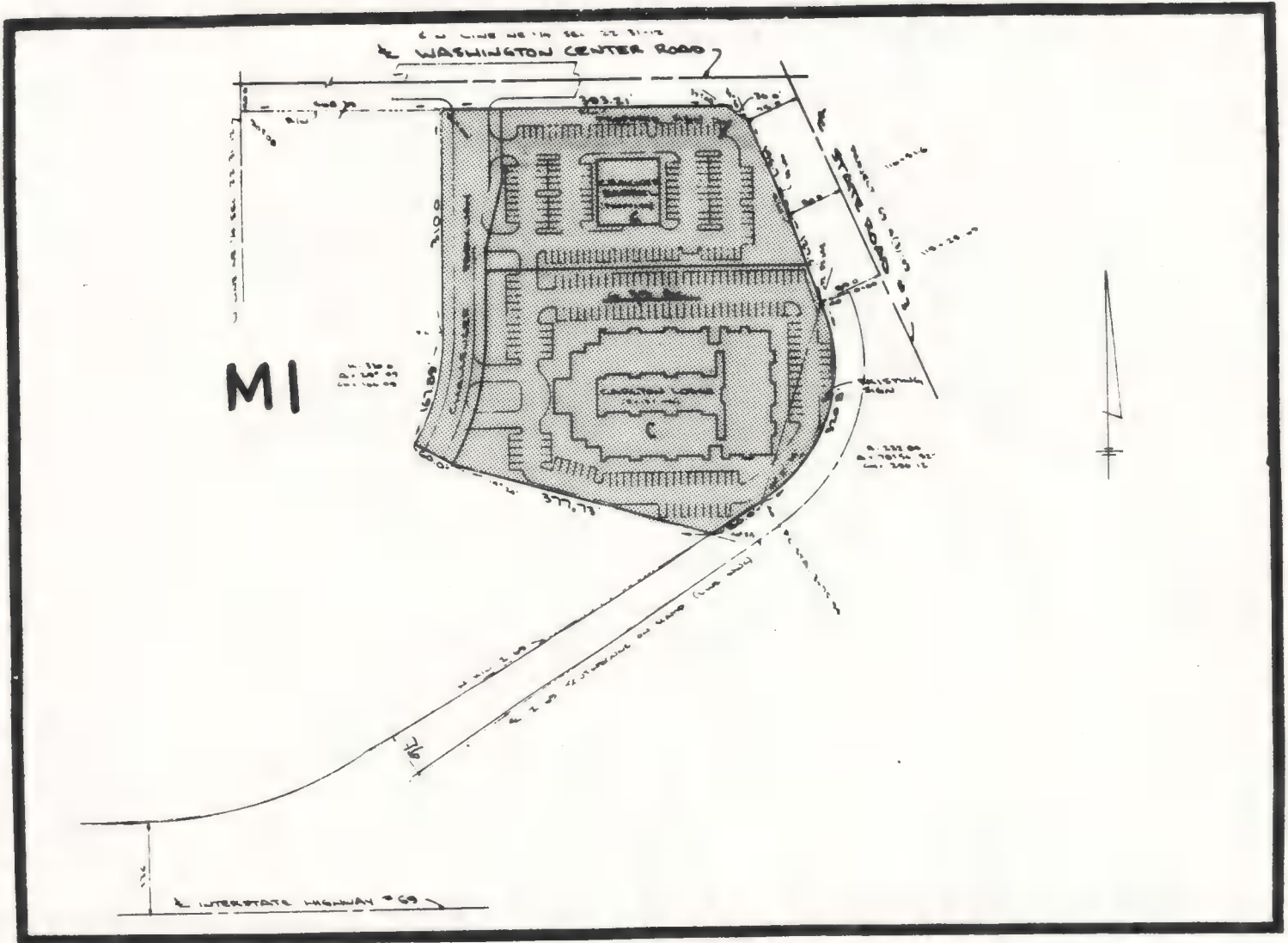
Of the 6 members present 5 voted in favor of approval one (1) did not vote.

Motion carried.

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM M-1 TO AN I-A DISTRICT.

MAP NO. K-34

COUNCILMANIC DISTRICT NO. 3



ZONING:

MI LIGHT INDUSTRY

LAND USE:

☐ COMMERCIAL

SCALE: N.T.S.

DATE: 4-1-87



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on June 23, 1987 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-04-09; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on June 15, 1987.

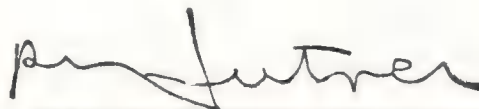
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held June 22, 1987.

Certified and signed this
25th day of June 1987.



Robert Hutner
Secretary

Rezoning Petition # 262

James Federoff, attorney for Cracker Barrel Old Country Store, Whiteco Industries, Inc., and Marathon Petroleum Company, request a change for zone from M-1 to IA.

Location: 1609 W. Washington Center Road

Legal: See File

Land Area: Approximately 4 Acres

Surroundings:	North	County	Res. & Commercial
	South	M-2	Industrial
	East	IA	Commercial
	West	M-1	Open

Reason: Not stated

Neighborhood Assoc.: No Association

Landscape: No comment.

Comprehensive Plan: The General Land Use Policies of the Comprehensive Plan state that rezonings and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed. The Goal in the Northwest Sector, where this request is located, is to manage growth so that prime agricultural land will be preserved.

Neighborhood Plan: No comment.

Planning Staff Discussion:

This parcel consists of two apparent tracts, one developed as a motel, and the other to be developed as a restaurant. Both uses are permitted in the current M-1 district. There is an existing IA district located to the east.

It appears that the advantage for the petitioner to request this rezoning is to take advantage of the differences in the Sign Ordinance, regarding types and sizes permitted. The IA district is in some ways more liberal regarding restrictions.

Petition # 262

In January of 1987, a petition was filed with the Board of Zoning Appeals for a waiver of height restrictions in an M-1 District. The Board denied the petition based on approval being injurious to public health, safety, morals and general welfare; use and values of the area being adversely impacted, and the lack of practical difficulty in application of ordinance terms.

Normally an application to rezone to a planned district is accompanied by the submittal of a development plan. That site plan is reviewed by a number of departments and a staff analysis is prepared for the Plan Commission. Such submittal of materials was not received until after the filing of the rezoning petition. However, that review has now been completed, and the Commission is aware of the reviewing comments.

Recommendation: Do Pass

1) An IA district already exists in the immediate area, and it does not appear that a separate, additional district will adversely impact the existing development.

2) Proposed use is permitted within the current zoning district, and the only apparent benefit would be to allow a greater height for signage.



The City of Fort Wayne

LAND USE MANAGEMENT

Division of Community Development & Planning

25 June 1987

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-87-04-11

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
25th day of June 1987.

Robert Hutner
Secretary

Division of Community Development & Planning

BRIEF TITLE

Zoning Ordinance Amendment

From R-1 to B-1-B

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

2414, 2420, 2502, 2506 & 2518 No Clinton St

Reason for Project

Retail stores and/or services.

PETITIONERS HAVE WITHDRAWN THEIR REQUEST

Discussion (Including relationship to other Council actions)

20 April 1987 - Public Hearing

Minutes of Public Hearing are attached.

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/
Proponents

Applicant(s) Wayne Lomont. /
Haffner Paint Co /
Philip Renaurt / Robt & Porti
City Department Kock

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff
Recommendation☒ For ☐ Against

Reason Against

Board or
Commission
Recommendation

By

☐ For ☐ Against☒ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

CITY COUNCIL
ACTIONS
(For Council
use only)

☐ Pass ☐ Other☐ Pass (as amended) ☐ Hold☐ Council Sub. ☐ Do not pass

DETAILS

June 22, 1987 - Business Meeting

This ordinance was being held for conditions to be satisfied when 51% of the property owners requested it be withdrawn.

Motion was made to withdraw the ordinance.

Of the 6 members present 5 voted in favor of the withdrawal, one (1) did not vote.

POLICY/PROGRAM IMPACT

Policy or
Program
Change

☐

No

☐

Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date March 20, 1987

Projected Completion or Occupancy

Date June 25, 1987

Fact Sheet Prepared by

Patricia Biancaniello

Date June 25, 1987

Reviewed by

Date

Greg Burt
Reference or Case Number

6/26/87

Craig Finlayson, attorney representing the petitioners stated that they had sought to have the zoning changed on Lot 7 and part of Lot 8. He stated that it was the staff recommendation that they talk to the rest of the owners and see if they would want to join in the petition. He stated that this property lies south of Haffner Paints and north of the Fish and Scale Store and Classic Stereo. He stated presently there are 3 homes on the tracts to be rezoned. He stated that some of the conditions placed on the recommendation for approval are causing great concern for all of the people involved in the rezoning. He stated that the first condition requesting that they grant a 40 foot ingress/egress easement across the front of the property and that the petitioners construct a roadway there at their expense whenever the city so directs. He stated that there is an elderly woman living in one of the homes, and that the easement would run through her home. He stated that there is also a rental unit on one of the lots and it too would have an easement through the middle of it. He stated that the people in these units do not intend to change the uses at this time. He said they would ask that this condition be removed. He stated that the condition which states that the city wants the right to close all driveways whenever the city so requests. He stated that if they do not have an access easement in and they can close all curb cuts how would they access the properties. He stated that there are a number of different owners. He stated that there are two residential uses, they are willing to have the property rezoned. He stated his client, the original petitioner, who wants to open a barber and a beauty shop. He stated they are talking about generating perhaps 5 cars an hour. He stated that the other two lots are owned by Burger Chef. He stated that he felt that is the reason for the requested access road. He stated that he thought perhaps at some future time Burger Chef would like to have access from Clinton Street as well as Lafayette. He stated that he felt the staff was requesting all of the restrictions and access requirements on all of the properties to solve one property owners problem. He stated they do not need an access road for 5 cars an hour off of No Clinton Street, or for the residential units on No Clinton. He stated that they would request the conditions be removed, but they could live with a request that at such time as all of the properties, as they presently exist, are destroyed.

Janet Bradbury stated that as the properties stand today the conditions may not make any sense. She stated however the Commission is trying to plan for future development that could be developed under the B-1-B zoning. She stated that 5 lots with separate accesses onto a busy street such as No Clinton could prove to be disastrous. She stated she supported staff's recommendation, and thought perhaps a compromise of sorts could be worked out with regard to the access road, as to when it would have to be installed.

Steve Smith stated that we may have things working at cross purposes in that it makes sense to rezone the entire property as

opposed to spot zoning. He stated that if the Commission is going to consider rezoning the entire parcel they would probably want to close all of the driveways and have a frontage road. He stated he urged Mr. Finlayson to work with staff and perhaps try to perfect it back to the two lots that they want to place the beauty/barber shop on.

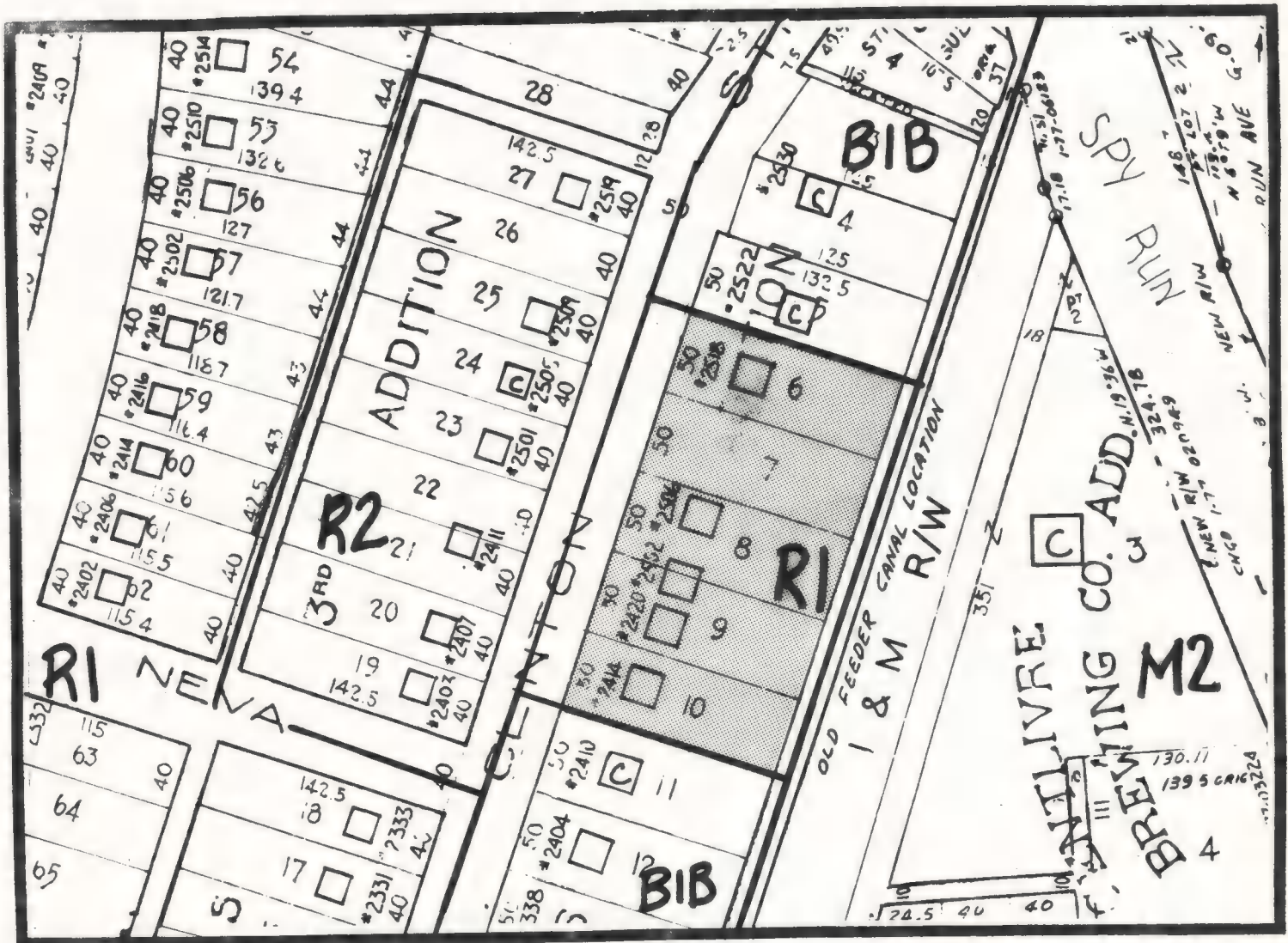
There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

REZONING PETITION # 267

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN R1 TO A B1B DISTRICT.

MAP NO. M-18

COUNCILMANIC DISTRICT NO. 3



ZONING:

R1 RESIDENTIAL DISTRICT
R2 RESIDENTIAL DISTRICT
BIB LIMITED BUSINESS 'B'
M2 GENERAL INDUSTRY

LAND USE:

☐ SINGLE FAMILY
☒ COMMERCIAL

SCALE: 1" = 100'

84

DATE: 4-1-87



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on April 14, 1987 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-04-11: and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on April 20, 1987.

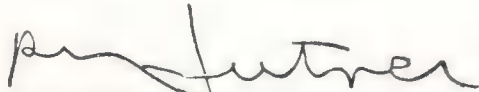
WHEREAS, a letter requesting WITHDRAWAL of the proposed ordinance has been filed with the City Plan Commission.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance be withdrawn in accordance with the written request.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held June 22, 1987.

Certified and signed this
25th day of June 1987.



Robert Hutner
Secretary

Rezoning Petition # 263

William D. Swift, attorney for Wayne Lomont, Haffner Paint Company, Inc., and Philip P. Renuart, requests a change of zone from R-1 to B-1-B.

Location: 2414-20, 2502-06 & 2518 North Clinton Street

Legal: See file

Land Area: Approximately 0.76 Acres

Surroundings:	North	B-1-B	Commercial
	South	B-1-B	Commercial
	East	M-2	Commercial
	West	R-2	Residential

Reason: Retail stores and/or services

Neighborhood Assoc.: Brookview Civic Assn
North Triangle Assn
Spy Run Neighborhood Assn

Landscape: Require screening of any new parking areas: minimum 4' to east, south and north, minimum 3' along Clinton Street. Require staff approval of new site development landscape plans.

Comprehensive Plan: The General Land Use Policies of the Comprehensive Plan state that rezonings and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed. In the Middle Ring, where this request is located, the Goal is to maintain investments and prevent deterioration in existing neighborhoods.

Neighborhood Plan: No comment.

Planning Staff Discussion:

A request was submitted to rezone one of these parcels to B-1-B to allow the owner to establish a barber/beauty shop. The staff in reviewing the request had recommended that it would be more appropriate to rezone a larger parcel, so as to extend the commercial zoning continuously, and not to create an island of non-continuous zoning.

Petition #263

This petition addresses those concerns, as it will extend the B-1-B designation in a continuous manner, providing contiguous limited business designations. The development of North Clinton Street over the years has led to a deterioration of the potential for residential developments. Even through some residential uses still exist, there appears to be a very gradual transition of uses taking place along this area. Approval of this petition will allow for continued growth, and will provide a more clearly defined zoning line.

Recommendation: Conditional approval, contingent upon the petitioner providing the following:

1) Petitioner is to provide a recorded document, in a form acceptable to the Commission's attorney, agreeing to the following:

a) Petitioner shall grant a 40 foot wide ingress/egress easement along the front of the subject properties, to be used as a frontage road;

b) Petitioner shall construct, and maintain, such frontage road to applicable City standards, when directed to do so by the City of Fort Wayne;

c) Any driveways shall be subject to review and closure, by the owner, at the discretion of the Traffic Engineering Dept.;

d) Any obstructions to the frontage road, including sight obstructions, shall be removed at the owner's expense.

Reasons:

1) Potential for residential land uses seems to have lessen over the years.

2) Commercial designations exist on three sides, allowing these properties to exists as an island amid more intense uses.

3) Approval will be in the best interest of allowing for the continued growth of the City.



The City of Fort Wayne

24 June 1987

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one
(1) ordinance concerning the vacation of a portion of a street and an alley.

The proposed ordinance is designated as:

BILL NO. G-87-04-16

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
24th day of June 1987.

Robert Hutner
Secretary

Division of Community Development & Planning

BRIEF TITLE

Alley & Street Vacation

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

700 Block of Schick and the East/West
Alley to the West

Reason for Project

To accommodate the future expansion of
Wolf Corporation.

Discussion (Including relationship to other Council actions)

April 21, 1987 - Public Hearing

Pete Mallers, attorney for petitioners the Wolf Corporation stated that Wolf Corporation has initiated the vacation. He stated they need the area in order to accommodate their growing business. He stated that Wolf Corporation is a manufacturer of mattresses and bedding supplies and has operated in Fort Wayne since 1873. He stated that they need to construct a truck bay along that area of Schick Street and also to construct truck bays at the south edge of the plant and the bays would require the trucks to be parked over a portion of the alley way. He stated that they feel there is no benefit to the City in maintaining the alley and the street, and they feel it is in the best interest of the City to approve the vacation.

Jess Yoder questioned if there were any utilities in the street and alley they wished to vacate.

Pete Mallers stated that they were not certain but they were willing to relocate any utility as needed.

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/
Proponents

Applicant(s)

Wolf Corporation / ERD Corp.
N&S RR / Kenneth Rose
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff
Recommendation
☒ For ☐ Against

Reason Against

Board or
Commission
Recommendation

By

☒ For ☐ Against
☐ No Action Taken

☐ For with revisions to conditions
 (See Details column for conditions)

 CITY COUNCIL
ACTIONS
(For Council
use only)

☐ Pass ☐ Other
☐ Pass (as amended) ☐ Hold
☐ Council Sub. ☐ Do not pass

DETAILS

There was no one present who wished to speak in favor of or in opposition to the proposed vacation.

April 27, 1987 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO PASS recommendation conditioned upon a revised legal being submitted to exclude the vacation of the North/South alley, and subject to property owner paying for relocation or removal of existing street lights.

Of the 8 members present 7 voted in favor of approval one (1) did not vote.

NOTE: The new legal description has been submitted and the ordinance has been amended to reflect the deletion of the North/South alley. There is also on file an agreement between the petitioners and Street Light Engineering regarding the petitioner bearing the cost of the removal or relocation of street lights.

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start

Date 19 March 1987

Projected Completion or Occupancy

Date 24 June 1987

Fact Sheet Prepared by

Patricia Biancaniello

Date 24 June 1987

Reviewed by

Useff R

Date

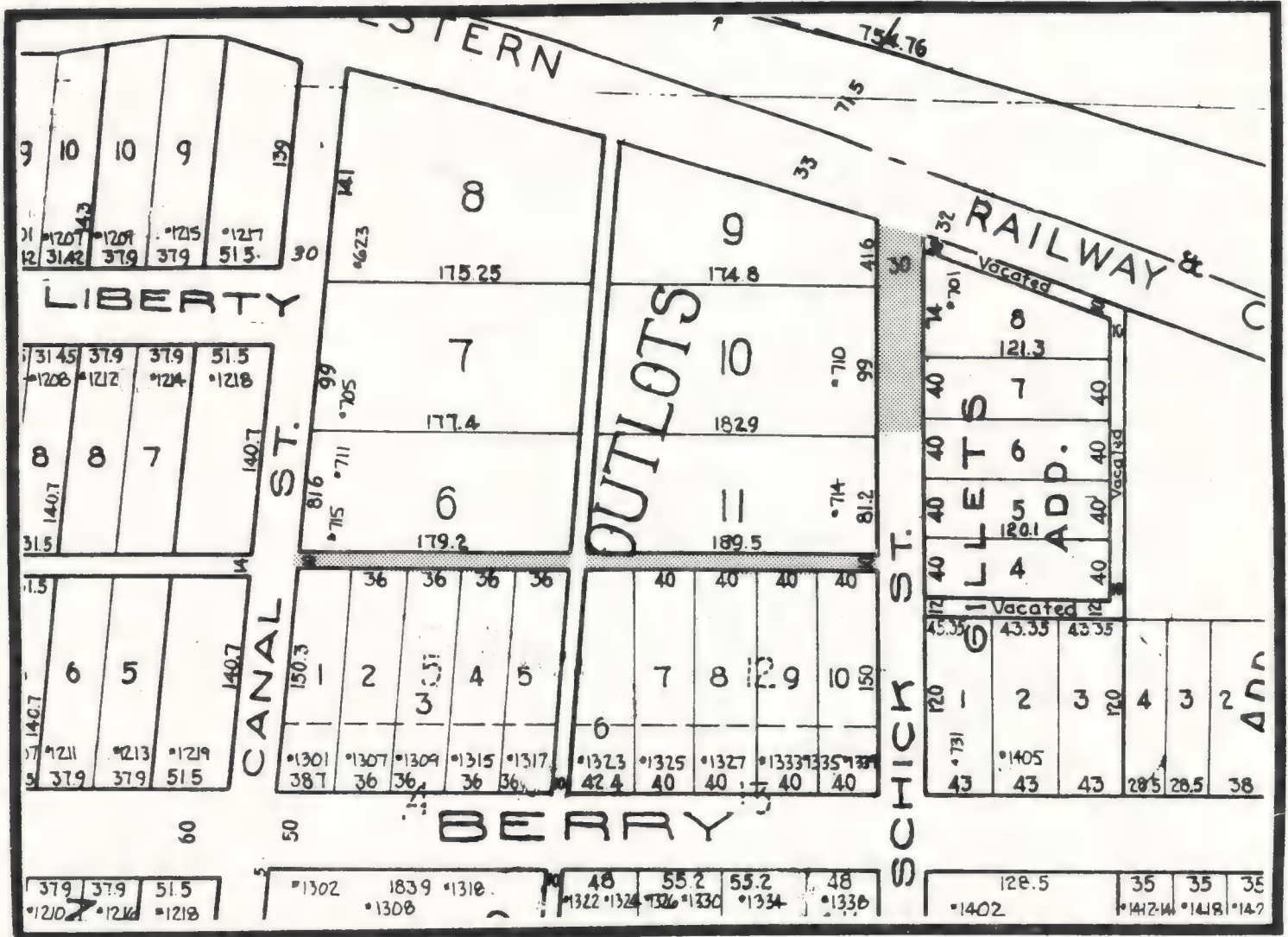
July 6, 1987

Reference or Case Number

A PETITION TO VACATE THE DESCRIBED PORTION OF PUBLIC ALLEY AND STREET.

MAP NO. 0-6

COUNCILMANIC DISTRICT NO. 1



ZONING:

LAND USE:

SCALE: 1" = 200'

DATE: 3-31-87



Vacation Petition # 258

Wolf Corporation and ERD Corporation request a vacation of portions of a public street, and an alley.

Location: 700 Schick Street and the East-West alley to the west.

Land Area: Approximately 0.16 Acres

Surroundings:	North	M-2	Res. & Industrial
	South	R3/B3B	Res. & Commercial
	East	M-2	Industrial
	West	M2/R3	Res. & Industrial

Reason: Not stated

Neighborhood Assoc.: No Association

Landscape: No comment

Comprehensive Plan: No comment

Neighborhood Plan: No comment

Planning Staff Discussion:

Petitioner states that they are the only owners of real estate bordering the alley and the portion of the street for which they are requesting the vacation. The petitioned areas are not necessary for ingress/egress to any other property, and there are no other interested property owners.

The petitioner is not requesting the vacation of the entire street because there are private accesses, which would require the creation of ingress/egress easements. By vacating only this portion, they cover their needs without creating additional paperwork.

We see no objection to the vacation of either parcel, as vacation will allow for continued growth, and increases in the tax base.

Recommendation: Do Pass, contingent upon providing utility easement, if necessary.

- 1) Approval will not be harmful to any other property owner.
- 2) Approval would be in the best interest of the City.

RESOLUTION 77-130-6

WHEREAS, WOLF CORPORATION, ERD CORPORATION, NORFOLK SOUTHERN CORPORATION AND KENNETH C. ROSE, have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following a public alley and portion of public street in Fort Wayne, Allen County, to-wit:

PROPOSED ALLEY VACATION

The 10 foot wide alley, lying adjacent to and immediately North of Lots 1 thru 5 and Lots 6 thru 10 all in Thieme's Subdivision as recorded in Deed Record 95, page 562, in the Office of the Recorder of Allen County, Indiana; and also lying adjacent to and immediately South of parts of Lots 6 and 11 all in Piepenbrink's Out Lots in the City of Fort Wayne, Indiana, as recorded in Plat Book "O", page 97, in the Office of the Recorder of said County; extending from the East line of Canal Street (30 foot wide) to the West line of Schick Street (30 feet wide).

PROPOSED PORTION OF SCHICK STREET TO BE VACATED

That portion of Schick Street (30 feet wide) as situated adjacent to and Easterly of Lots 10 and 9 in Piepenbrink's Out Lots in the City of Fort Wayne, Indiana, as recorded in Plat Book "O", page 97, in the Office of the Recorder of Allen County; and Westerly of Lots 6, 7, and 8 and the Vacated Alley lying Northeasterly of Lot 8, all in Gillet's Addition as recorded in Plat Book 1, page 10, in the Office of the Recorder of said County; lying North of the North line of the South 3.3 feet of Lot 10 Piepenbrink's Out Lots projected Easterly and extending Northerly to the Southwesterly right-of-way line of the Norfolk and Western Railway Company, being the former New York, Chicago, and St. Louis Railroad.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of a public alley and portion of public street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said public alley and portion of public street hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said public alley and portion of public street hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of public alley and portion of public street or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)

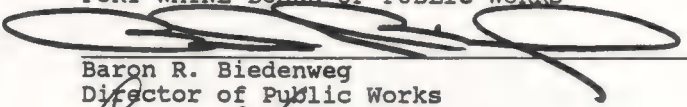
) SS:

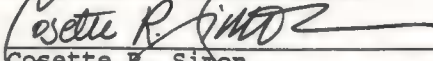
COUNTY OF ALLEN)

I, Baron R. Biedenweg, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held July 1, 1987 and as same appears of record in the official records of the Board of Public Works

DATED THIS 1st DAY OF July 1987

FORT WAYNE BOARD OF PUBLIC WORKS


Baron R. Biedenweg
Director of Public Works


Cosette R. Simon
Director of Administration & Finance

Lawrence D. Consalvos
Director of Public Safety

RESOLUTION

WHEREAS, WOLF CORPORATION, ERD CORPORATION, NORFOLK SOUTHERN CORPORATION AND KENNETH C. ROSE, have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following a public alley and portion of public street in Fort Wayne, Allen County, to-wit:

PROPOSED ALLEY VACATION

The 10 foot wide alley, lying adjacent to and immediately North of Lots 1 thru 5 and Lots 6 thru 10 all in Thieme's Subdivision as recorded in Deed Record 95, page 562, in the Office of the Recorder of Allen County, Indiana; and also lying adjacent to and immediately South of parts of Lots 6 and 11 all in Piepenbrink's Out Lots in the City of Fort Wayne, Indiana, as recorded in Plat Book "O", page 97, in the Office of the Recorder of said County; extending from the East line of Canal Street (30 foot wide) to the West line of Schick Street (30 feet wide).

PROPOSED PORTION OF SCHICK STREET TO BE VACATED

That portion of Schick Street (30 feet wide) as situated adjacent to and Easterly of Lots 10 and 9 in Piepenbrink's Out Lots in the City of Fort Wayne, Indiana, as recorded in Plat Book "O", page 97, in the Office of the Recorder of Allen County; and Westerly of Lots 6, 7, and 8 and the Vacated Alley lying Northeasterly of Lot 8, all in Gillet's Addition as recorded in Plat Book 1, page 10, in the Office of the Recorder of said County; lying North of the North line of the South 3.3 feet of Lot 10 Piepenbrink's Out Lots projected Easterly and extending Northerly to the Southwesterly right-of-way line of the Norfolk and Western Railway Company, being the former New York, Chicago, and St. Louis Railroad.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of a public alley and portion of public street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Pubilc Utility Companies.

WHEREAS, said public hearing was held on April 20, 1987, at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said public alley or portion of street.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public alley and portion of street hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public alley and portion of street hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said public alley and a portion of a public street or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said

vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said public alley and portion of public street in Allen County, Indiana.

STATE OF INDIANA)

) SS:

COUNTY OF ALLEN)

I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held April 27, 1987, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 24 DAY OF June 1986

FORT WAYNE CITY PLAN COMMISSION

Robert Hutner
Robert Hutner, Secretary



The City of Fort Wayne

LAND USE MANAGEMENT

Division of Community Development & Planning

25 June 1987

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-87-06-33

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
25th day of June 1987.

Robert Hutner
Secretary

Division of Community Development & Planning

FACT SHEET

2-07-00-33

BILL NUMBER

BRIEF TITLE

Zoning Ordinance Amendment

APPROVAL DEADLINE

REASON

From RB to POD

DETAILS

Specific Location and/or Address 4416 & 4422 E. State Blvd.
Reason for Project Professional Office Development
Discussion (Including relationship to other Council actions) <u>15 June 1987 - Public Hearing</u> Wayne Witmer, attorney stated that the staff analysis points out that the State Street area is one that is somewhat in transition. He stated it also points out that the location of the property puts it in close proximity to other office uses as well as commercial uses in the area. He stated the staff points out that the highest and best use of the property appears to be consistent with the use they are proposing. He stated that in regard to the primary development plan they have no problem with the conditions required. Patricia Kahn, 1915 Clarmarnic Drive stated that their only entrance to State Street is through Mathais. She stated that there are 50 families in the addition that have to battle the traffic. She stated that the traffic is very congested already and they presently have a dentist office on one corner and a CPA in the neighborhood who are generating a great deal of traffic and adding congestion to the area. She questioned how much traffic this would be creating. She felt there was no need for more offices in the area.

POSITIONS

RECOMMENDATIONS

Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/Proponents	Applicant(s) Mary Tippman, Kenneth & Lois Widdifield City Department Other
Opponents	Groups or Individuals Patricia Kahn Basis of Opposition -add to heavy traffic congestion in area
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
Board or Commission Recommendation	By <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

DETAILS

Wayne Witmer stated that the other developments in the area and the difficulties that the residents have with them should not effect their requested development. He stated that they certainly will live within the guidelines of the staff recommendation including the deceleration lane which should aid the traffic flow. He stated that they will have only one access on State Blvd.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

22 June 1987 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO PASS recommendation.

Of the 6 members present 5 voted in favor of the recommendation one (1) did not vote.

Motion carried.

NOTE: Any conditions placed on the POD would be placed on the development plan and not on the rezoning and would have to be satisfied before any building permits would be issued.

POLICY/PROGRAM IMPACT

Policy or
Program
Change

☐

No

☐

Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date 15 May 1987

Projected Completion or Occupancy

Date 25 June 1987

Fact Sheet Prepared by

Date 25 June 1987

Patricia Biancaniello

Reviewed by

Date

30 June 1987

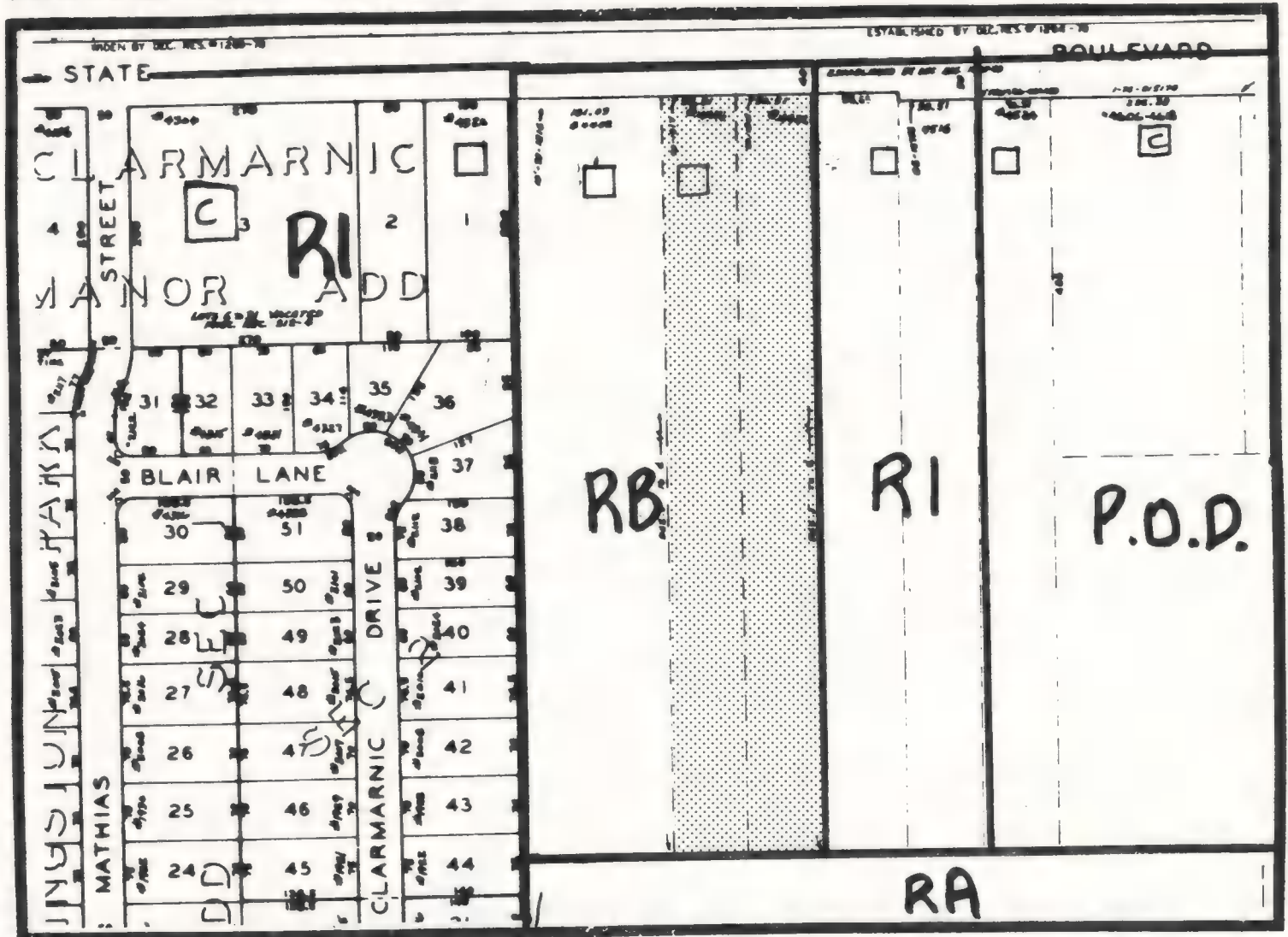
Reference or Case Number

REZONING PETITION # 977

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN RB DISTRICT TO A P.O.D. DISTRICT.

MAP NO. 5-14

COUNCILMANIC DISTRICT NO. 2



ZONING:

RI RESIDENTIAL DISTRICT
RA RESIDENCE 'A'
RB RESIDENCE 'B'
P.O.D. PROFESSIONAL OFFICE DISTRICT

LAND USE:

☐ SINGLE FAMILY
☒ COMMERCIAL

SCALE: 1" = 200'

DATE: 5-29-87



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on June 23, 1987 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-06-33; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on June 15, 1987.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held June 22, 1987.

Certified and signed this
25th day of June 1987.



Robert Hutner
Secretary

Rezoning Petition # 279

William Swift, attorney for Mary J. Tippman, Kenneth D. Widdifield, and Lois G. Widdifield, requests a change of zone from RB to P.O.D.

Location: 4416 & 4422 E. State Blvd.

Legal: See File

Land Area: Approximately 3.8 Acres

Zoning: RB

Surroundings:	North	RA	Residential & Open
	South	RA	Residential
	East	R-1/POD	Residential & Office
	West	R-1	Residential

Reason for Request: A Professional Office Development

Neighborhood Assoc.: Kingston Park Assn

Neighborhood Plan:

Comprehensive Plan:

Landscape:

Planning Staff Discussion:

State Street has seen major increases in traffic volumes over recent years. This has in some ways lessened the desirability of these properties for residential use.

Located to the east is a major Professional Office District that has been in existence for some years, and is still being developed. To the west is a residential area, and commercial uses along Coliseum Blvd, and extending west on State Street.

Due to the location of this property and its proximity to office and commercial uses, and the volumes of traffic along this corridor, we do not feel that the highest uses are to remain residential. The commercial area has been delineated along Coliseum Blvd, and would support adjacent office development along this block of State Street.

Recommendation: Approval

1) Approval would be in the best interest of the continued growth of the city.

2) Approval would allow continuation of office uses in a controlled development that would buffer residential areas.

3) Approval would represent the highest use of this property while remain compatible with the general area and the Comprehensive Plan.



The City of Fort Wayne

LAND USE MANAGEMENT

Division of Community Development & Planning

25 June 1987

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-87-06-35

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
25th day of June 1987.

Robert Hutner
Secretary

Division of Community Development & Planning

BRIEF TITLE

Zoning Ordinance Amendment

APPROVAL DEADLINE

REASON

From R-2 to B-3-B

DETAILS

Specific Location and/or Address

2715 & 2719 So Hanna Street

Reason for Project

Expansion of existing business.

Discussion (Including relationship to other Council actions)

15 June 1987 - Public Hearing

Hugh Taylor, representing the prospective buyer Mike Mitchell, stated that the issue was whether or not the proposed land use is consistent with zoning objectives. He stated zoning objectives are to insure a usage of the property which is in the best interest of the community, to segregate undesirable activities to certain locations and to preserve or upgrade the property. He stated that Mr. Mitchell through the purchase of these properties will do at least three things. He stated it will enhance the attractiveness of the area, it will eliminate an eyesore that is on the property presently, and he is going to provide services for the community in an aesthetically pleasing environment. He stated that they have a questionnaire with 300 signatures from people in the area saying that they would use the services that would be provided by Mr. Mitchell. He stated the rezoning will provide the community with an expanded food and drink market and it will provide an opportunity for a member of that community to expand his business. He stated that presently there is a small market and package store on B3B zoned

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/
Proponents

Applicant(s)

Margaret Haynes

City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff
Recommendation☐ For☒ Against

Reason Against

-encourage commercial encroachment

-adverse impact on area

Board or
Commission
Recommendation

By

☐ For☒ Against☐ No Action Taken
☐ For with revisions to conditions
(See Details column for conditions)
CITY COUNCIL
ACTIONS
(For Council
use only)☐ Pass☐ Other☐ Pass (as amended)☐ Hold☐ Council Sub.☐ Do not pass

DETAILS

property the expansion of the building will be staged so that the construction in the area will have minimal impact. He stated that if the Commission feels that the B3B zoning is not compatible for that area they would be more than willing to look at a B1B zoning. He felt that would adequately cover the grocery market and package store in that area.

Steve Smith questioned if the 2-story home on one of the lots in question was the eyesore that Mr. Taylor was referring to. He questioned if that would be torn down.

Mr. Taylor stated that eventually the home would be torn.

Steve Smith questioned what the proposed use would be for the property if it is rezoned.

Mr. Mitchell stated that he wanted to extend the grocery store and the parking lot.

Janet Bradbury questioned what they intend to do with the home until such time as they are ready to expand.

Mr. Mitchell stated that they will keep the home as it is now, but right now the garage is coming down, that is the eyesore.

Mrs. Bradbury questioned if the house was vacant.

Mr. Mitchell stated that there are tenants in the house presently.

The following persons spoke in favor of the proposed rezoning.

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Mr. Willie Blackmon, 2107 Drexel
Mr. Reggie Pearson, 2815 E. Maple Grove
Cheryl King, 3415 Robinwood Dr

They felt that Mr. Mitchell's business has been a service to the community and the people and would like it to continue to do so. It was also stated that this area has a lot of low income families who do not have access to a large shopping area. They felt it would also serve as an inspiration for future business development in the area. It was stated that it has provided job opportunities in the community, has kept community dollars in the community and it has helped the beautification program that is going on in the area.

Steve Smith stated that in that the staff recommendation is a do not pass recommendation because they felt there were no mitigating circumstances. He stated that between now and the business meeting the staff could incorporate the thought that the city has been trying to expand and develop the Pontiac Street Commercial Corridor extensively. He stated there is a lot of investment there with CD loans and this appears to be a service to the community. He stated perhaps the Commission could look at that as a mitigating circumstance.

It was pointed out that application to the BZ to locate a parking lot would be more appropriate.

No one else was present to speak about the case.

22 June 1987 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO NOT PASS recommendation.

Of the 6 members present 5 voted in favor of denial one (1) did not vote.

Motion carried.

Project Start

Date 5/15/87

Projected Completion or Occupancy

Date 6/25/87

Fact Sheet Prepared by

Date 6/25/87

Patricia Biancaniello

Reviewed by

Date

Reference of Case Number

6/26/87

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN RA DISTRICT TO A B3B DISTRICT

COUNCILMANIC DISTRICT NO. 1



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on June 23, 1987 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-06-35; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on June 15, 1987.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

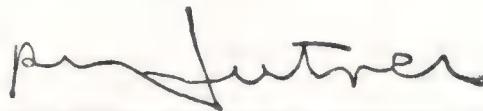
(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held June 22, 1987.

Certified and signed this
25th day of June 1987.



Robert Hutner
Secretary

Rezoning Petition # 277

Matt Price, agent for Margaret L. Haynes, requests a change of zone from R-2 to B-3-B

Location: 2715 & 2717 South Hanna Street
Legal: Lot 154 & 155 Industrial Park Addition
Land Area: Approximately 0.27 acres
Zoning: R-2
Surroundings: North B3B Commercial
South R2 Residential
East R2 Residential
West R2 Residential

Reason for Request: Expansion of business

Neighborhood Assoc.: Oxford Community Assn

Neighborhood Plan:

Comprehensive Plan:

Landscape:

Planning Staff Discussion:

There is a very clear delineation between commercial uses and residential uses along Pontiac Street in this area. This petition would represent commercial encroachment into a residential area, which has not been considered an acceptable practice by the Commission.

The staff joins the Commission in their concern for the protection of the residential integrity of neighborhoods and agrees that clear delineations, and buffer techniques need to be applied. This petition would set an unwarranted precedent, along a deviation from planning practices, and encouraging commercial development of residential land areas.

We understand that the purchaser of this parcel wishes to enlarge his parking lot and has a potential need for a building addition. We have suggested that he talk to the staff planner with the Board of Zoning Appeals regarding a variance.

Recommendation: Do Not Pass

1) Approval would encourage commercial encroachment into a residential area without mitigating circumstances.

2) Approval could adversely impact the residential development in the immediate area, leading to a deterioration of property values.



The City of Fort Wayne

LAND USE MANAGEMENT

Division of Community Development & Planning

25 June 1987

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-87-06-36

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
25th day of June 1987.

Robert Hutner
Secretary

Division of Community Development & Planning

BRIEF TITLE

Zoning Ordinance Amendment

APPROVAL DEADLINE**REASON**

From M-1 to R-3

DETAILS**Specific Location and/or Address**

2104-10-14-18-22-26-30-23-36-40-44 Miner St;
832-35-36-38-39-43 & 901 Walnut St;
2101 Broadway

Reason for Project

Downzoning

Discussion (Including relationship to other Council actions)15 June 1987 - Public Hearing

Mr. Vincent Wells, president of the Poplar Neighborhood Assn., stated that they were requesting the downzoning in order to protect the property owners that are right next to the M-1 properties. He stated that by downzoning these properties it will prevent any commercial uses from moving into this area adjacent to the residential properties.

There was no one present who wished to speak in favor of or in opposition to the proposed rezoning.

22 June 1987 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO PASS recommendation.

Of the 6 members present 5 voted in favor of the motion one (1) did not vote.

Motion carried.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**

Poplar Neighborhood Assn
City Department

Other

Opponents**Groups or Individuals****Basis of Opposition****Staff
Recommendation**☒ For ☐ Against

Reason Against

**Board or
Commission
Recommendation****By**☒ For ☐ Against☐ No Action Taken

☐ For with revisions to condition
(See Details column for condition)

**CITY COUNCIL
ACTIONS**
(For Council
use only)
☐ Pass ☐ Other☐ Pass (as amended) ☐ Hold☐ Council Sub. ☐ Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start

Date 7 May 1987

Projected Completion or Occupancy

Date 25 June 1987

Fact Sheet Prepared by

Patricia Biancaniello

Date 25 June 1987

Reviewed by

Gary Batten
Reference or Case Number

Date

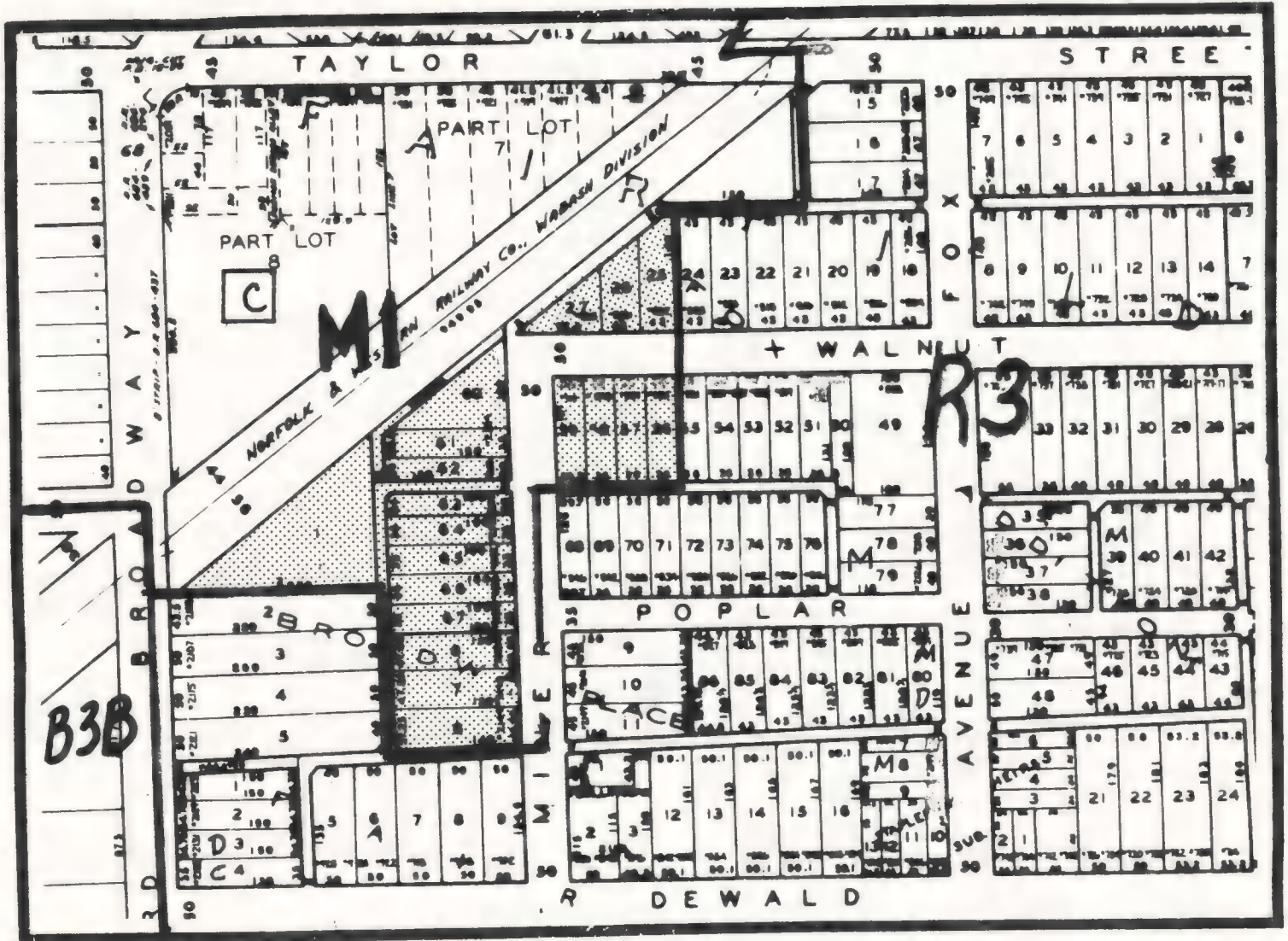
30 June 1987

REZONING PETITION # 280

PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING
THE DESCRIBED PROPERTY FROM AN M1 DISTRICT TO AN R3 DISTRICT.

MAP NO. L-3

COUNCILMANIC DISTRICT NO. 1



ZONING:

M1 LIGHT INDUSTRY
R3 RESIDENTIAL DISTRICT
B3B GENERAL BUSINESS 'B'

LAND USE:

S SINGLE FAMILY
D DUPLEX
M MULTI-FAMILY
C COMMERCIAL

SCALE: 1" = 200'

DATE: 5-29-87



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on June 23, 1987 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-06-36; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on June 15, 1987.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held June 22, 1987.

Certified and signed this
25th day of June 1987.



Robert Hutner
Secretary

Rezoning Petition # 280

The Poplar Neighborhood Association requests a change of zone from M-1 to R-3.

Location: 2104-10-14-18-22-26-30-34-36-40-44 Miner Street
832-35-36-38-39-43-901 Walnut Street
2101 Broadway

Legal: See File

Zoning: M-1 Light Industrial

Surroundings:	North	M-1	Industrial/commercial
	South	R-3	Residential
	East	R-3	Residential
	West	R3/B3B	Residential/commercial

Reason for Request: Downzoning

Neighborhood Assoc.: Poplar Neighborhood Assn

Neighborhood Plan:

Comprehensive Plan:

Landscape:

Planning Staff Discussion:

The neighborhood association has been working closely with the Neighborhood Planning staff in coordination of this petition. They are concerned with the preservation of the residential character of the neighborhood. With the existing zoning, the area is open to a number of permitted industrial and commercial uses, which could adversely impact the integrity of the area, and lead to possible further deterioration of existing housing stock.

In approving this petition, the Plan Commission is recognizing the residential nature of the area, and is complimenting their desire to protect the neighborhood from commercial encroachment.

The association should be congratulated on their attempts to preserve residential integrity and to encourage re-investment in the existing housing stock.

Recommendation: Approval

1) Approval will correspond to the intent of the Community Development & Housing Plan to preserve the residential character

of the area.

2) Approval will prevent additional commercial encroachment into residentially used neighborhoods.

3) Approval will assist in the encouragement of private sector re-investment into existing housing stock.

4) Approval will compliment the wishes of the majority of the residents of the area.



The City of Fort Wayne

LAND USE MANAGEMENT
Division of Community Development & Planning

25 June 1987

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-87-06-37

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
25th day of June 1987.

A handwritten signature in dark ink, appearing to read "Robert Hutner", is written over a horizontal line.

Robert Hutner
Secretary

Division of Community Development & Planning

BRIEF TITLE

Zoning Ordinance Amendment

APPROVAL DEADLINE**REASON**

From B-2-C to B-4

DETAILS**Specific Location and/or Address**

To the rear of the 900 Block of Coliseum Bl., East.

Reason for Project

Alignment of zoning district.

Discussion (Including relationship to other Council actions)

15 June 1987 - Public Hearing

V.C. Seth, Director of Planning for CD&P stated that the Plan Commission was the petitioner on the request due to the fact that when this B-2-C was zoned certain portions of lots fronting on Coliseum Blvd., were included in the B-2-C zoning in error. This request he stated was being made to correct that error in the legal description.

There was no one present who wished to speak in favor of or in opposition to the proposed rezoning.

22 June 1987 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO PASS recommendation.

Of the 6 members present 5 voted in favor of the recommendation one (1) did not vote.

Motion carried.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**

City Plan Commission

City Department

Other

Opponents**Groups or Individuals**

Basis of Opposition

**Staff
Recommendation**

☒ For ☐ Against

Reason Against

**Board or
Commission
Recommendation****By**

☒ For ☐ Against

☐ No Action Taken

☐ For with revisions to condition
(See Details column for condition)

**CITY COUNCIL
ACTIONS
(For Council
use only)**

☐ Pass ☐ Other

☐ Pass (as amended) ☐ Hold

☐ Council Sub. ☐ Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

Date April 30, 1987

Projected Completion or Occupancy

Date June 25, 1987

Fact Sheet Prepared by

Date June 25, 1987

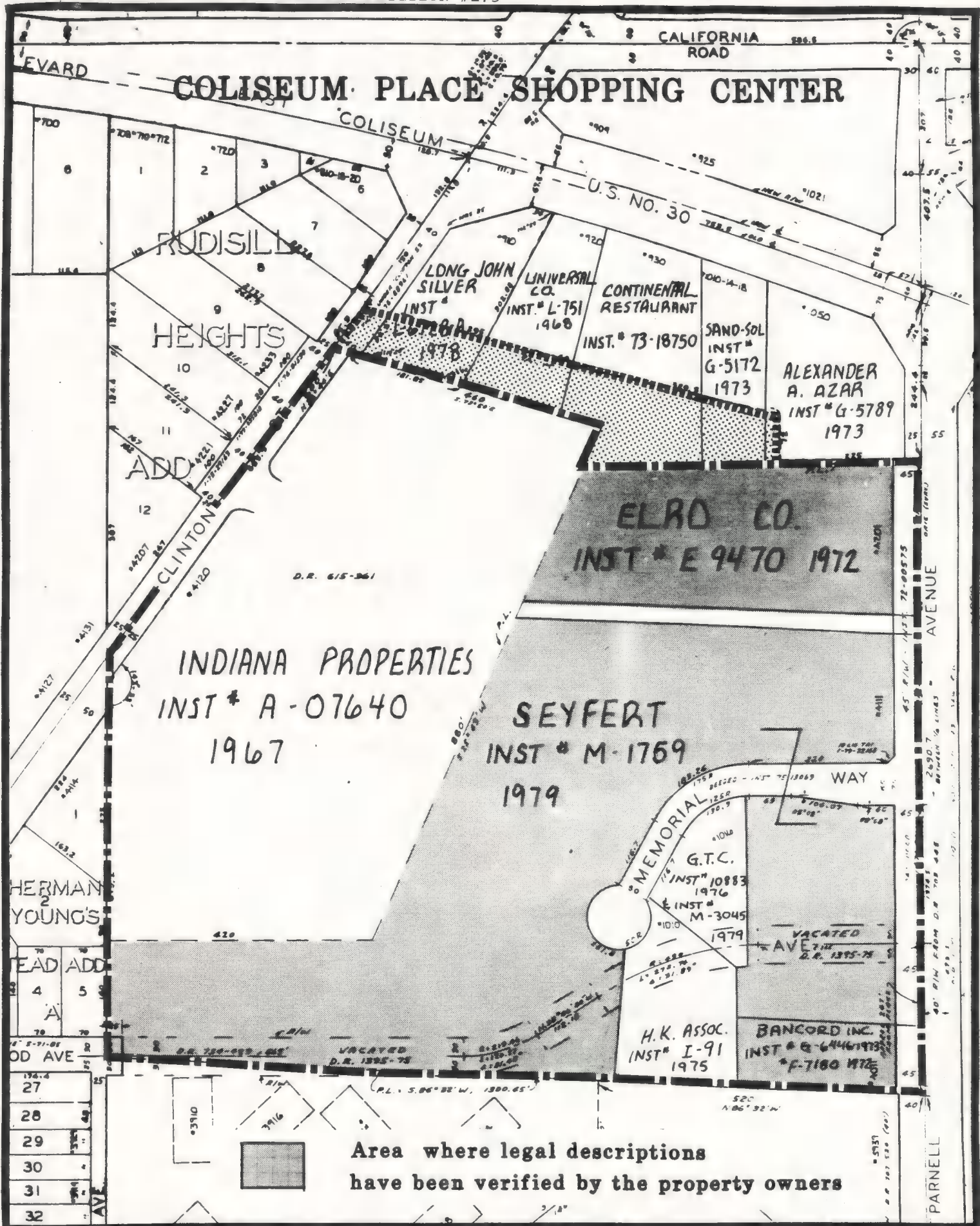
Patricia Biancaniello

Reviewed by

Date

Shirley Britz
Reference or Case Number

30 June 1987



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on June 23, 1987 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-06-37; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on June 15, 1987.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held June 22, 1987.

Certified and signed this
25th day of June 1987.



Robert Hutner
Secretary

Rezoning Petition # 275

The Fort Wayne Plan Commission requests a change of zone from B-2-C to B-4

Location: To the rear of the 900 block Coliseum Blvd East

Legal: See File

Land Area:

Zoning: B-2-C

Surroundings:	North	B-4	Commercial
	South	B-2-C	Commercial & open
	East	B2C/B-4	Commercial
	West	B-4	Commercial

Reason for Request: Alignment of zoning district

Neighborhood Assoc.: None

Neighborhood Plan: No Association

Comprehensive Plan:

Landscape:

Planning Staff Discussion:

According to our maps, the designated shopping center boundary extends to the north encompassing the rear of some commercial properties that front on Coliseum Blvd. This petition has been submitted to allow the designated shopping center classification to follow along actual lot/property lines.

Approval would avoid confusion in future land developments.

Recommendation: Do Pass

- 1) Approval will allow easier processing of development requests.
- 2) Approval will allow zoning classification lines to follow more logical property lines.
- 3) Approval will not adversely impact any other property.

MARK GIAQUINTA
President of the Common Council
City of Fort Wayne, Indiana

Gentlemen and Mrs. Bradbury:

Attached herewith are authenticated copies of the Board of
Public Safety Regulatory Resolution Numbers: 90/87/E 95/87/E
91/87/E 96/87/E
92/87/E 97/87/E
93/87/E
94/87/E

For the purpose of enforcement, please make this communication
and the attached Regulatory Resolutions a matter of record and
incorporate them into the minutes of the next Common Council
Meeting.


Respectfully Submitted,


Lawrence D. Consalvos, Chairman
Board of Public Safety

R E T U R N C E R T I F I C A T E

(Regulatory Resolution No. _____	90/87/E	
	91/87/E)	94/87/E
	92/87/E	95/87/E
	93/87/E	96/87/E
		97/87/E

I hereby certify that I did this 13th day of July, 19 87 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, the City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana respectively, a copy of the within Regulatory Resolution No. see above of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Chairman of said Board, in accordance with the provisions of Section 17-4 of Chapter 17, of the Code of the City of Fort Wayne, Indiana 1986.



CHAIRMAN, Board of Public Safety

REGULATORY RESOLUTION NO. 90/87/E

(Adopted July 7, 19 87)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to RENEW & EXTEND REG. RES. 60/87/E: DELETE:

2 HR. PARKING 8 AM - 6 PM (EMERGENCY)

: AND,

WHEREAS, the City Traffic Engineer has, by written memorandum dated July 6, 19 87, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective

July 7, 19 87, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

DELETE:

2 HR. PARKING 8 AM - 6 PM. (EMERGENCY)

Berry Street -- south side -- from 45' east of Broadway to 40' east thereof

REGULATORY RESOLUTION NO. 91/87/E

(Adopted July 7, 1987)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to RENEW & EXTEND REG. RES. 61/87/E: STOP

INTERSECTION (EMERGENCY)

_____ : AND,

WHEREAS, the City Traffic Engineer has, by written memorandum dated July 6, 19 87, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective

July 7, 19 87, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

STOP INTERSECTION (EMERGENCY)

Goodfellow Drive -- stop -- for Monument Drive

REGULATORY RESOLUTION NO. 92/87/E

(Adopted July 7, 19 87)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to RENEW & EXTEND REG. RES. 92/8 7/E: STOP

INTERSECTION (EMERGENCY)

: AND,

WHEREAS, the City Traffic Engineer has, by written memorandum dated July 6, 19 87, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective

July 7, 19 87, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

STOP INTERSECTION (EMERGENCY)

Kinsmoor Avenue — stop — for Ozark Avenue

REGULATORY RESOLUTION NO. 93/87/E

(Adopted July 7, 19 87)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with

regard to RENEW & EXTEND REG. RES. 63/87/E: IMPAIRED

MOBILITY PARKING (RESIDENTIAL) (EMERGENCY)

: AND,

WHEREAS, the City Traffic Engineer has, by written memorandum

dated July 6, 19 87, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective

July 7, 19 87; and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

IMPAIRED MOBILITY PARKING (RESIDENTIAL) (EMERGENCY)

3000 John Street -- west side -- from 30' south of Colerick Street to 20' south thereof

REGULATORY RESOLUTION NO. 94/87/E

(Adopted July 8, 19 87)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to IMPAIRED MOBILITY PARKING (COMMERCIAL) (EMERGENCY)

_____: AND,

WHEREAS, the City Traffic Engineer has, by written memorandum dated July 7, 19 87, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective

July 8, 19 87; and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

IMPAIRED MOBILITY PARKING (COMMERCIAL) (EMERGENCY)

Christine Eloff
5209 Decatur Road

182' south of Fairfax Drive and
50' east of Decatur Road

REGULATORY RESOLUTION NO. 95/87 /E

(Adopted July 8, 19 87)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to RENEW AND EXTEND REG. RES. 64/87/E NO

PARKING (EMERGENCY)

_____: AND,

WHEREAS, the City Traffic Engineer has, by written memorandum

dated July 7, 19 87, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective

July 8, 19 87, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

NO PARKING

(EMERGENCY)

Lynn Avenue

--south side--

from Santa Rosa Drive
to the eastern terminus

REGULATORY RESOLUTION NO. 96/87/E

(Adopted July 10, 19 87)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with

regard to STOP INTERSECTION (EMERGENCY) & DELETE: STOP

INTERSECTION (EMERGENCY)

: AND,

WHEREAS, the City Traffic Engineer has, by written memorandum

dated July 9, 19 87, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective

July 10, 19 87, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

STOP INTERSECTION (EMERGENCY)

Berry Street -- stop -- for Thieme Drive

DELETE: STOP INTERSECTION (EMERGENCY)

Thieme Drive -- stop -- for Berry Street

REGULATORY RESOLUTION NO. 97/87/E

(Adopted July 10, 19 87)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to RENEW & EXTEND REG. RES. 65/87/E: NO PARKING

(EMERGENCY)

: AND,

WHEREAS, the City Traffic Engineer has, by written memorandum dated July 10, 19 87, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective

July 10, 19 87, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

NO PARKING

(EMERGENCY)

North Side Drive -- west side -- from 70' south of Stadium Drive
to 105' north of Stadium Drive

MARK GIAGUINTA

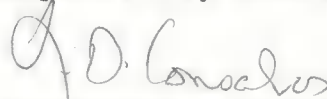
President of the Common Council
City of Fort Wayne, Indiana

Gentlemen and Mrs. Bradbury:

Attached herewith are authenticated copies of the Board of
Public Safety Regulatory Resolution Numbers: 84/87/E
85/87/D
86/87/E

For the purpose of enforcement, please make this communication
and the attached Regulatory Resolutions a matter of record and
incorporate them into the minutes of the next Common Council
Meeting.

Respectfully Submitted,



Lawrence D. Consalvos, Chairman
Board of Public Safety

R E T U R N C E R T I F I C A T E

(Regulatory Resolution No. 84/87/E
85/87/D)
86/87/E)

I hereby certify that I did this 29th day of
June, 19 87 deliver to each, the City Traffic
Engineer, the Chief of Police, the City Attorney, the City
Clerk and the President of the Common Council of the City
of Fort Wayne, Indiana respectively, a copy of the within
Regulatory Resolution No. 84/87/E
85/87/D of the Board of Public
86/87/E
Safety of the City of Fort Wayne, duly certified by me as
Chairman of said Board, in accordance with the provisions
of Section 17-4 of Chapter 17, of the Code of the City of
Fort Wayne, Indiana 1986.

J. D. Connelley
CHAIRMAN, Board of Public Safety

REGULATORY RESOLUTION NO. 85/87/D

(Adopted June 26, 1987)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-31 of said chapter delegates to this Board authority to PREFERENTIAL INTERSECTION

(DELEGATED)

; and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated June 24, 1987, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 17-31 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective June 26, 1987, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

PREFERENTIAL INTERSECTION

(DELEGATED)

South Park Drive -- preferential -- at Elmrow Drive

REGULATORY RESOLUTION NO. 86/87/E

(Adopted June 27, 19 87)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to RENEW & EXTEND REG. RES. 59/87/E: NO PARKING

(EMERGENCY)

_____: AND,

WHEREAS, the City Traffic Engineer has, by written memorandum dated June 26, 19 87, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective

June 27, 19 87, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

NO PARKING

(EMERGENCY)

Court Street -- east side -- from Main Street to 170 feet south thereof

MARK GIAQUINTA

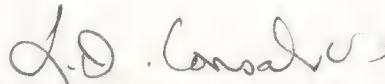
President of the Common Council
City of Fort Wayne, Indiana

Gentlemen and Mrs. Bradbury:

Attached herewith are authenticated copies of the Board of
Public Safety Regulatory Resolution Numbers: 87/87/E
88/87/E
89/87/E

For the purpose of enforcement, please make this communication
and the attached Regulatory Resolutions a matter of record and
incorporate them into the minutes of the next Common Council
Meeting.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "L.D. Consalvos", is written over the typed name.

Lawrence D. Consalvos, Chairman
Board of Public Safety

R E T U R N C E R T I F I C A T E

(Regulatory Resolution No. 87/87/E
88/87/E)
89/87/E .

I hereby certify that I did this 6th day of
July, 1987 deliver to each, the City Traffic
Engineer, the Chief of Police, the City Attorney, the City
Clerk and the President of the Common Council of the City
of Fort Wayne, Indiana respectively, a copy of the within
Regulatory Resolution No. 87/87/E
88/87/E of the Board of Public
89/87/E
Safety of the City of Fort Wayne, duly certified by me as
Chairman of said Board, in accordance with the provisions
of Section 17-4 of Chapter 17, of the Code of the City of
Fort Wayne, Indiana 1986.

J. D. Connelley
CHAIRMAN, Board of Public Safety

(Adopted June 30, 19 87)

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to NO PARKING (EMERGENCY)

St. Mary's Avenue -- east side -- from Clayton Avenue to Florence Avenue

St. Mary's Avenue -- west side -- from Clayton Avenue to Florence Avenue

REGULATORY RESOLUTION NO. 88/87/E

(Adopted July 2, 19 87)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to DELETE: NO PARKING (EMERGENCY)

_____: AND,

WHEREAS, the City Traffic Engineer has, by written memorandum dated July 1, 19 87, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective

July 2, 19 87, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

DELETE: NO PARKING (EMERGENCY)

Berry Street -- north side -- from Van Buren Street to 100' east of Jackson St.

REGULATORY RESOLUTION NO. 89/87/E

(Adopted July 2, 19 87)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to DELETE: IMPAIRED MOBILITY PARKING (RESIDENTIAL)
(EMERGENCY)

_____: AND,

WHEREAS, the City Traffic Engineer has, by written memorandum dated July 1, 19 87, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective

July 2, 19 87, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

DELETE::

IMPAIRED MOBILITY PARKING (RESIDENTIAL) (EMERGENCY)

1604 Andrew Street -- east side -- from 30' north of Spring Street
to 20' north thereof
4331 Queen Street -- east side -- from 65' north of Werling Drive
to 20' north thereof